

ORDERED.

Dated: January 20, 2021



Catherine Peek McEwen  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
www.flmb.uscourts.gov

In re:

Case No. 8:20-bk-07801-CPM

5 Star Property Group, Inc.,

Chapter 11  
(Sub V)

Debtor.

**ORDER SETTING HEARING ON MOTION FOR  
EXTENSION OF TIME TO FILE PLAN OF REORGANIZATION**

[Motion to be heard at status conference set for January 21, 2021.]

THIS CASE came on for consideration of the Debtor's Motion for Extension of Time to File Plan of Reorganization (the "Motion") (Doc. No. 63). Pursuant to 11 U.S.C. § 1189(b), the court may extend the 90-day deadline for filing a plan of organization for a debtor proceeding under subchapter V "if the need for the extension is attributable to circumstances for which the debtor should not justly be held accountable."<sup>1</sup> The Motion states as grounds for the requested relief only, in essence, that the Debtor requires additional time to complete certain calculations

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<sup>1</sup> See *In re Wetter*, 620 B.R. 243 (Bankr. W.D. Va. 2020) (the question to consider under § 1189(b) is whether "the debtor is fairly responsible for his inability to timely . . . file a plan" or if the need for an extension "appears fairly attributable to factors outside of his control") (quoting *In re Trepetin*, 617 B.R. 841, 843-44, 849 (Bankr. D. Md. 2020)). See also *In re Seven Stars on the Hudson Corp.*, 618 B.R. 333, 346 (S.D. Fla. 2020) (Congress "set a high standard" to grant a request for extension of time under § 1189(b); where the debtor created the circumstances that caused its inability to timely file a subchapter V plan, those circumstances were not beyond the debtor's control).

and finalize its plan. The Motion does not explain *why* the Debtor was prevented from completing the calculations in time to meet the statutory deadline. Consequently, the Motion does not on its face appear to meet the condition for extension of time set forth in § 1189(b).

Accordingly, it is

**ORDERED** that the Court will conduct a hearing on the Motion at the status conference set for January 21, 2021, at 10:00 a.m., in Courtroom 8B, Sam M. Gibbons Courthouse, 801 N. Florida Avenue, Tampa, Florida 33602.<sup>2</sup>

The Clerk is directed to serve a copy of this order on any interested non-CM/ECF filers.

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<sup>2</sup> Telephonic Appearance Requirement. Effective March 16, 2020, and continuing until further notice, Judges in all Divisions will conduct all preliminary and non-evidentiary hearings by telephone. For Judge McEwen's hearings, parties should arrange a telephonic appearance through Court Call at (866)582-6878 no later than 5:00 p.m. the day prior to the hearing.